

105TH CONGRESS  
1ST SESSION

# S. 61

To amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. LOTT introduced the following bill; which was read twice and referred to the Committee on Veterans Affairs

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## A BILL

To amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. MERCHANT MARINER BENEFITS.**

4       (a) BENEFITS.—Part G of subtitle II, title 46, Unit-  
5       ed States Code, is amended by adding at the end the fol-  
6       lowing new chapter:

1       **“CHAPTER 112—MERCHANT MARINER**  
 2                               **BENEFITS**

“Sec.

“11201. Qualified service.

“11202. Documentation of qualified service.

“11203. Eligibility for certain veterans’ benefits.

“11204. Processing fees.

3       **“§ 11201. Qualified service**

4               “For purposes of this chapter, a person engaged in  
 5 qualified service if, between August 16, 1945, and Decem-  
 6 ber 31, 1946, the person—

7                       “(1) was a member of the United States mer-  
 8 chant marine (including the Army Transport Service  
 9 and the Naval Transportation Service) serving as a  
 10 crewmember of a vessel that was—

11                       “(A) operated by the War Shipping Ad-  
 12 ministration or the Office of Defense Transpor-  
 13 tation (or an agent of the Administration or Of-  
 14 fice);

15                       “(B) operated in waters other than inland  
 16 waters, the Great Lakes, other lakes, bays, and  
 17 harbors of the United States;

18                       “(C) under contract or charter to, or prop-  
 19 erty of, the Government of the United States;  
 20 and

21                       “(D) serving the Armed Forces; and

22                       “(2) while so serving, was licensed or otherwise  
 23 documented for service as a crewmember of such a

1 vessel by an officer or employee of the United States  
2 authorized to license or document the person for  
3 such service.

4 **“§ 11202. Documentation of qualified service**

5 “(a) RECORD OF SERVICE.—The Secretary shall,  
6 upon application—

7 “(1) issue a certificate of honorable discharge  
8 to a person who, as determined by the Secretary, en-  
9 gaged in qualified service of a nature and duration  
10 that warrants issuance of the certificate; and

11 “(2) correct, or request the appropriate official  
12 of the Federal Government to correct, the service  
13 records of the person to the extent necessary to re-  
14 flect the qualified service and the issuance of the  
15 certificate of honorable discharge.

16 “(b) TIMING OF DOCUMENTATION.—The Secretary  
17 shall take action on an application under subsection (a)  
18 not later than one year after the Secretary receives the  
19 application.

20 “(c) STANDARDS RELATING TO SERVICE.—In mak-  
21 ing a determination under subsection (a)(1), the Secretary  
22 shall apply the same standards relating to the nature and  
23 duration of service that apply to the issuance of honorable  
24 discharges under section 401(a)(1)(B) of the GI Bill Im-  
25 provement Act of 1977 (38 U.S.C. 106 note).

1       “(d) CORRECTION OF RECORDS.—An official of the  
 2 Federal Government who is requested to correct service  
 3 records under subsection (a)(2) shall do so.

4       **“§ 11203. Eligibility for certain veterans’ benefits**

5       “(a) ELIGIBILITY.—

6               “(1) IN GENERAL.—The qualified service of an  
 7 individual referred to in paragraph (2) is deemed to  
 8 be active duty in the Armed Forces during a period  
 9 of war for purposes of eligibility for benefits under  
 10 chapters 23 and 24 of title 38.

11              “(2) COVERED INDIVIDUALS.—Paragraph (1)  
 12 applies to an individual who—

13                      “(A) receives an honorable discharge cer-  
 14 tificate under section 11202 of this title; and

15                      “(B) is not eligible under any other provi-  
 16 sion of law for benefits under laws administered  
 17 by the Secretary of Veterans Affairs.

18       “(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—  
 19 The Secretary shall reimburse the Secretary of Veterans  
 20 Affairs for the value of benefits that the Secretary of Vet-  
 21 erans Affairs provides for an individual by reason of eligi-  
 22 bility under this section.

23       “(c) PROSPECTIVE APPLICABILITY.—An individual is  
 24 not entitled to receive, and may not receive, benefits under

1 this chapter for any period before the date of enactment  
 2 of this chapter.

3 **“§ 11204. Processing fees**

4       “(a) COLLECTION OF FEES.—The Secretary shall  
 5 collect a fee of \$30 from each applicant for processing an  
 6 application submitted under section 11202(a) of this title.

7       “(b) TREATMENT OF FEES COLLECTED.—Amounts  
 8 received by the Secretary under this section shall be cred-  
 9 ited to appropriations available to the Secretary for carry-  
 10 ing out this chapter.”.

11       (b) CLERICAL AMENDMENT.—The table of chapters  
 12 at the beginning of subtitle II of title 46, United States  
 13 Code, is amended by inserting after the item relating to  
 14 chapter 111 the following:

**“112. Merchant Mariner Benefits .....11201”.**

